

**BY LAWS AND RULES OF PROCEDURE**  
**Sustainability Advisory Committee on Energy & the Environment (SACEE)**

**ARTICLE I**

**NAME AND CREATION**

**Section 1.** The name of the entity shall be the Sustainability Advisory Committee (SACEE) of the City of Asheville.

**Section 2.** The ~~Commission-Committee~~ shall be a public body with all of its meetings ~~of the Commission~~ subject to the open meetings laws of the State of North Carolina.

**ARTICLE II**

**PURPOSE**

To support the Mayor and Asheville City Council in ~~their charge to~~ integrat~~ing~~ sustainable principles related to energy and the environment into City operations and the broader community consciousness, while promoting economic viability, environmental stewardship, and social responsibility ~~—with the intent to improve quality of life for this and future generations through the following:~~

- **Policy GuidanceDevelopment:** Provide ~~technical assistance~~guidance to the Mayor and Council on institutionalizing environmentally sustainable practices by evaluating and ~~developing-proposing current and future~~ policies in that support ~~of~~ City sustainability commitments.
- **Education:** Increase awareness of ~~matters related to~~ energy and environmental sustainability by developing and implementing ~~outreach and education~~ activities aimed at ~~changing-promoting sustainable~~ behaviors across ~~a diverse cross-section of~~ the community.
- **Partnership:** ~~Provide leadership and support in creating synergy among~~ Facilitate and encourage public and private partnerships ~~in the region to that improve the effectiveness of maximize~~ efforts to create ~~wards~~ a more environmentally sustainable future.

**Commented [jn1]:** I'm not sure how you provide "technical assistance" via the development of policies. I would say that

**Commented [jn2]:** Are we really going to implement or will this be staff?

**ARTICLE III**

**MEMBERSHIP**

**Section 1.** *Composition:* Membership on the ~~Commission-Committee~~ shall consist of 9 members to be appointed by Asheville City Council with representatives from specific economic and ~~and~~ community sectors as follows:

- A. One member with demonstrated expertise in the field of energy management (i.e., production, conservation, application);
- B. One member currently involved in a substantial way in the operation of a business within the City of Asheville;
- C. ~~One~~ member currently employed in the construction industry within the City of Asheville;
- D. One member currently employed in the real estate development industry within the city of Asheville.

Commented [jn3]: This seems to be awkwardly worded.

The remaining five seats shall be at large appointments.

**Section 2.** *Removal:* Members of the CommitteeCommission may be removed at the discretion of the Asheville City Council.

**Section 3.** *Attendance:* The failure of any CommitteeCommission member to attend 75 percent or more of the Committee's regular meetings ~~of the Commission~~ held during a 12-month period, unless excused, may be grounds for removal.

**Section 4.** *Term of office:* Members of the CommitteeCommission shall be appointed for three year terms. Membership shall be staggered ~~to the end to ensure~~ that the terms of all members shall not expire at the same time. Members may serve up to two consecutive terms. Members will be eligible for reappointment after having been off the CommitteeCommission for at least (1) year.

## ARTICLE IV

### OFFICERS AND DUTIES

**Section 1.** *Chair:* The CommitteeCommission shall have a Chair, who shall be elected by a majority vote of the voting membership of the CommitteeCommission from among its members. The term of office shall be for one (1) year, or until the successor is duly elected, beginning on July 1<sup>st</sup> of each year. The Chair shall be eligible for reelection. The Chair may appoint any sub-committees ~~deemed~~ necessary to investigate any matter before the CommitteeCommission.

**Section 2.** *Vice-Chair:* The Committee Commission shall have a Vice-Chair who shall be elected by the Committee's Commission from among its members in the same manner and for the same term as the Chair and shall be eligible for reelection. The Vice-Chair shall serve as Chair in the absence of the Chair, and when serving as Chair shall have the same powers and duties as the Chair.

**Section 3.** *Secretary:* The City/County Manager or his or her designee will serve as Secretary to the CommitteeCommission. The Secretary will: (1) keep all records; (2) conduct all correspondence of the CommitteeCommission; (3) arrange for all required public notices to be given; and (4) take minutes at each CommitteeCommission meeting which shall be kept in a

volume, for such duration as may be required by the North Carolina Municipal Records and Disposition Act. The minutes shall reflect all important facts pertaining to each meeting, every motion acted upon by the ~~Committee~~Commission, and all votes of members of the ~~Committee~~Commission motion or upon the final determination of any question, indicating the names of members absent or failing to vote.

## ARTICLE V

### MEETINGS

**Section 1.** *Number of Meetings:* There shall be at least 9 regular meetings of the ~~Committee~~Commission each year.

**Section 2.** *Regular Meetings:* At the beginning of each year, the Secretary, in conjunction with the members of the ~~Committee~~Commission, shall adopt a schedule of meetings and set a regular meeting place for the year. The ~~Committee~~Commission may amend the schedule of meetings as deemed necessary.

**Section 3** *Procedure:* Unless otherwise provided for by these Rules, Roberts Rules of Order will govern all points of order and procedure.

**Section 4** *Agenda:* The Chair in consultation with the Secretary shall set the Agenda for each meeting.

**Section 5.** *Conduct of Meetings:* The order of business for meetings shall be as follows:

- a. The Chair shall preside over all meetings.
- b. The Chair of each appointed ~~Sub-~~sub-committee may be called upon to present a report.
- c. The Chair may direct ~~Sub-~~sub-committees to gather additional data, perform additional research or form additional subcommittees before voting on a report.
- d. The ~~Committee~~Commission led by the Chair shall vote on what action to take, if any, on all reports given.

**Section 6.** *Special Meetings:* Special meetings of the ~~Committee~~Commission may be called at any time by the Chair or Secretary. At least forty-eight (48) hours written, electronic, or oral notice of the time and place of the special meeting(s) shall be given by the Secretary to each member of the ~~Committee~~Commission and the local press.

**Section 7.** *Emergency Meetings:* The Chair, the Secretary, or any two voting members of the ~~Committee~~Commission may at any time call an emergency ~~Committee~~Commission meeting by signing a written notice stating the time and place of the meeting and the subject(s) to be considered. The notice shall be delivered to the Chair and each ~~Committee~~Commission.

hours before the meeting. Notice of the meeting shall be given to all media that has filed a written emergency meeting notice request with the City Clerk or the Secretary. This notice shall be given either by telephone or by the same method used to notify the Chair and ~~Committee~~~~Commission~~ members, and shall be given at the expense of the party notified. meetings shall only be called because of generally unexpected circumstances that require immediate consideration by the ~~Committee~~~~Commission~~. Only business connected with the be considered at an emergency meeting.

## ARTICLE VI

### QUORUM

**Section 1.** A simple majority of voting members of the ~~Committee~~~~Commission~~, excluding vacancies, shall constitute a quorum.

**Section 2.** Once a quorum is established, it shall not be destroyed by one of the members leaving.

## ARTICLE VII

### VOTING

**Section 1.** *Requirement:* All voting members are entitled to one vote, including the Chair. All voting members including the Chair must vote on all matters brought before the ~~Committee~~~~Commission~~ unless excused by the remaining members according to law.

**Section 2.** *Exceptions:* A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest, ~~a~~ ~~perceived or actual conflict of interest~~, or official conduct. In all other cases, a failure to vote by a member who is physically present for the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

**Commented [jn4]:** This is fairly important for those of us who have professional obligations that require the disclosure and avoidance actual and perceived conflicts of interest, .

**Section 3.** *Roll Call:* All votes of the ~~Committee~~~~Commission~~ shall be conducted in such fashion as to allow the minutes to reflect the vote of each ~~Committee~~~~Commission~~ member. When a roll call vote is taken, the order of voting shall be alphabetical by last name of the ~~Committee~~~~Commission~~ member except for the Chair, who shall vote last.

**Commented [jn5]:** Do we really want this? This would likely require a roll call vote for every vote that wasn't unanimous.

**Section 4.** *Majority:* The ~~concurring~~ vote of a majority of the ~~Committee's~~ members ~~present of the Commission~~ shall be necessary to act on any matter before the ~~Commission~~~~Committee~~.

## ARTICLE VIII

### POWERS AND DUTIES

**Section 1. Authority:** Pursuant to Resolution/Ordinance No. 06-171, the ~~Committee~~Commission shall have the following powers and duties

- A. *Develop rules and by-laws for the conduct of its business.*
- B. *Develop a vision for the community for achieving and maintaining sustainability in matters related to energy and the environment.*
- C. *Develop benchmarks and standards by which progress toward energy and environmental sustainability can be measured.*
- D. *Develop a program for increasing community awareness of energy and environmental sustainability issues through activities including outreach, educations and publicity.*

### PUBLIC ADDRESS TO THE ~~COMMISSION~~COMMITTEE

**Section 1. Agenda:** The ~~Committee Board/Commission~~ will use the suggested agenda template provided. The ~~Committee Board/Commission~~ will include on every agenda a public comment period for all the meetings.

**Section 2. Time Limit:** Any person addressing the ~~Committee~~Commission shall be limited to a three-minute presentation. Any group of three (3) or more individuals, not including the speaker, making a presentation to the ~~Committee~~Commission may have a single spokesperson who will be allowed ten minutes to address the ~~Committee~~Commission. The ~~Committee~~Commission will receive written information from any individuals or groups that cannot conclude their presentations within these time limitations. These time limits can be increased by a majority vote of the Committee members in attendance at the meeting.

**Section 3. Prior to a Vote:** The public shall be allowed to comment on matters under consideration by the ~~Committee~~Commission prior to a final vote on the matter by the ~~Committee~~Commission.

**Section 4. Requests to be on Agenda:** Any individual or group who wishes to address the ~~Committee~~Commission may make a written request to the Secretary to be on the agenda. The Chair and the Secretary will determine, based upon completeness of the request and the other necessary business of the ~~Committee~~Commission, whether the matter will be placed on the agenda.

**ARTICLE X**

**CONFLICT OF INTEREST**

No ~~Committee Board/Commission~~ member shall take part in the hearing, consideration or determination of any case in which the member is personally or financially interested.

**ARTICLE XI**

**AMENDMENTS**

These Rules may be amended by a ~~three-fourths~~majority affirmative vote of the members of the ~~Committee~~Commission; provided, however, all amendments must be presented in writing at a regular meeting preceding the meeting at which the vote is taken.

These Rules are adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chair